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TC 1700

1743

EXPRESS MAIL NO. EV 313 841 767 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Smart et al. Confirmation No.:
Serial No.: 09/816,497 Art Unit: 1743
Filed: March 26, 2001 Examiner: Dwayne K. Handy
For: Silicon Nitride Window For Attorney Docket No.: 11299-003-999
Microsampling Device and Method
of Construction

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following documents are attached herewith:

1. Revocation and Power of Attorney;
2. Information Disclosure Statement;
3. List of References Cited by Applicant; and
4. References (5).

Respectfully submitted,

Date: September 22, 2003

Francis E. Morris

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24,615
(Reg. No.)



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#9

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Application of:	Smart et al.	Confirmation No.:	
Serial No.:	09/816,497	Art Unit:	1743
Filed:	March 26, 2001	Examiner:	Dwayne K. Handy
For:	Silicon Nitride window For Microsampling Device and Method of Construction	Attorney Docket No.:	11299-003-999

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of :
 - ☒ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
 - ☐ Within three months of the filing date of a national application other than a

continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☐ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☒ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☒ Certification Statement (applicable if Item 3a or Item 4 is checked)

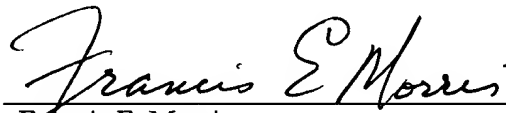
(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☒ Pursuant to 37 C.F.R. §1.97(e)(2), no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 1.65(c) more than three months prior to the filing of the statement.

- 5c. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5d. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 6a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 6b. ☐ set forth in the application.
- 6c. ☐ enclosed as an attachment hereto.
7. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
8. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

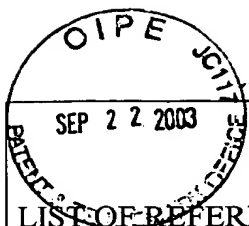
Respectfully submitted,

Date: September 22, 2003



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Sheet 1 of 1

SEP 26 2003
TC 1700LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

ATTY DOCKET NO.

11299-003-999

APPLICATION NO

09/816,497

APPLICANT

Wilson Smart, et al.

FILING DATE

March 26, 2001

GROUP

1743

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	US 6,002,202	12-14-99	Meyer et al.			
	A02	US 5,728,089	03-17-98	Lal et al.			
	A03	US 4,468,282	08-28-84	Neukermans			
	A04						
	A05						
	A06						
	A07						
	A08						
	A09						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01							
	B02							
	B03							
	B04							
	B05							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	Ciarlo, Dino R.; "Silicon Nitride Thin Windows for Biomedical Microdevices"; <i>Biomedical Microdevices</i> 4:1, pp. 63-68, 2002.
	C02	Goncz, K. K. et al.; "An environmental sample chamber for X-ray microscopy"; <i>Journal of Microscopy</i> , Vol. 168, Pt 1, October 1992, pp. 101-110.
	C03	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.